

REMARKS

The Examiner's Office Action has been reviewed. Attached hereto for the Examiner's approval is a replacement page of drawings showing Figure 16 with reference numeral "100" indicating the machine alignment tool.

The Examiner has rejected Claim 1 under 35 U.S.C. 112 as it relates to the disclosure and the claims being commensurate with the disclosure. Claim 1 has been amended to provide more clarity. In particular, reference is made to "a probe of a radiation detecting and measuring device". The language of Claim 1 indicates that the machine alignment tool is used to provide a standard centering on a surface. That surface may be on any one of a class of commercially available patient resting surfaces which includes X-ray table surfaces, CT scanning table surfaces and MRI scanning table surfaces. The claim does not say that the device is used with the MRI or PET or ultrasound devices. It only claims to have a component tool that allows a user to center the invention upon a surface that includes X-ray table surfaces, CT scanning table surfaces and MRI scanning table surfaces. The specification language mirrors this position. (See Page 17, line 14 - 18) The only reference to MRI or CT is that the tool allows the device to be centered upon these "patient resting surfaces".

The Examiner has also rejected Claims 1 and 2 under 35 U.S.C. 112, as it relates to enablement for the "probe" and for the "universal machine alignment tool." The Applicant has amended Claim 1 to make it more clear that the probe is the probe of a radiation detecting and measuring device. The word "universal" has been deleted from the claim. The radiation detection and measuring device probe is contained within the probe cylinder. The device in and of itself does not detect or measure radiation, but the device is configured so as to allow a radiation and detection probe to be coupled thereto (See Figure 3, #60).

The Examiner rejected Claims 1 and 2 under 35 U.S.C. 112, second paragraph. The Examiner found it unclear what structural limitations were conveyed by the "probe cylinder". "The probe cylinder is configured to be received by and held within the central aperture". (See page 16, line 1 - 3). "The front face of the cube has a centrally located cylindrical aperture 44 extending wall the way to the rear face forming an aperture there through." (See Page 15, Lines 16 - 18, See also Figure 2, #44, Figure 3, #44 and Figure 9, #44). As stated previously the word "universal" has been deleted from Claim 1 and Claim 2.

The Examiner has then rejected Claims 2, 4, 6, and 9 - 13 as being unpatentable over Sliski (USPN 5,511,107) in view of Dawson (USPN 6,364,529 B1). Sliski teaches a cube shaped device with a

plurality of orthogonal slits therein. The slits are a means for holding a radiographic film, so as to allow the user to measure the amount of radiation striking and passing through the cube surface on the various planes. Dawson teaches a device that is comprised of several layers that are able to be disassembled. The radiographic film is inserted between the layers and then the device is reassembled.

Applicant submits that the prior art of Dawson and Sliski are not combinable in that Sliski teaches a single solid cube having a plurality of orthogonal slits and Dawson teaches a series of plates joined together to form a single unit, with the plates holding film in a parallel orientation to each of the other sheets of film. Dawson and Sliski teach away from one another, and hence, cannot be combined to form the basis for an obviousness-type rejection. Moreover, Sliski teaches a device that utilizes film and then analyzes the film. Dawson, on the other hand, utilizes sensors and his device uses the input from the sensors. Because Sliski and Dawson teach two distinct and contrary modalities of analysis, with Sliski using film and Dawson having sensors attached thereto, they cannot be combined as prior art to form the basis of an obviousness rejection.

Another difference between the present invention and the prior art is that the present invention teaches a central aperture that passes through the width of the cube, from one side

to the opposite side. (See Figures 2 and 3) (See also, Specification, page 15, line 16 - 18). Sliski does not teach such a configuration (See Figures 2, 3, 4a, and 4b) but instead teaches a central aperture and probe that only goes part of the way through the cube, not all the way from side to side as is taught in the present invention.

Dawson cannot have a aperture that passes all the way through in that the aperture would then pierce the x-ray films that were held in parallel between the plates. Like Sliski, Dawson teaches apertures for sensors or probes that do not pass through all the plates, and do not, therefore, pass from one side to the other side.

Claim 2 has been amended to include the limitation of the central aperture passing through, from one side to the opposite side.

The Examiner has objected to the drawings in that the description of Figure 8 is deemed to be misdescriptive while the descriptions of Figures 11 - 22 have been omitted. The description of Figure 8 has been revised so that it is now described as a side view rather than a front view. In addition, brief descriptions of Figures 11 - 22 have been added. It is deemed that no new matter is being added by this or any amendment herein.

All rejections and objections have been addressed. It is, therefore, now deemed that all grounds of objection and rejection have been overcome. It is also deemed that all claims now define patentable subject matter in proper claim language. As a result, reconsideration and a notice of allowance is requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ed P. Dutkiewicz", written over the printed name.

Edward P. Dutkiewicz,

Reg. 46,676

640 Douglas Avenue

Dunedin, FL 34698

Telephone: (727) 734-2855

Facsimile: (727) 734-2750